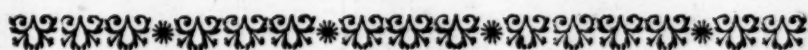


A  
L E T T E R  
T O  
Sir *JOHN BARNARD.*



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TO

ST JOHN BARNARD

OF THE UNIVERSITY OF TORONTO

(Printed Six Pairs)

A  
L E T T E R  
T O

Sir *JOHN BARNARD*,

Plainly shewing that

D I S S E N T E R S

Are legally eligible to the

OFFICE of SHERIFFS

F O R T H E

C I T Y of *L O N D O N*.

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L O N D O N:

Printed for JOHN SHUCKBURGH, at the *Sun*,  
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MDCCCLVI.



LETTER

TO

SIR JOHN BARNARD

Esq.

DISEASES

OF THE

OFFICE OF SHERIFFS

FOR THE

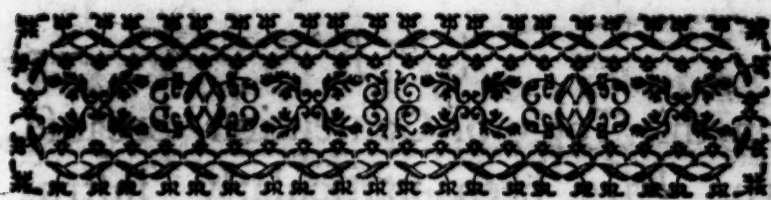
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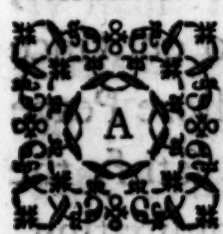
MDCCLXX





A  
L E T T E R

T O  
Sir *JOHN BARNARD.*

S I R,  
 S the Election of Dissen-  
ters into the Office of She-  
riffs of the City hath  
been the Cause of great  
Heats and Animosities among the  
Citizens of *London*, and the City is  
now on a tedious Journey towards a  
Judicial Determination, whether they  
be eligible or not; I take the Liberty  
of addressing my Sentiments to you,  
B on

on this Topic of Contention, because you have been particularly instrumental in bringing their Qualifications into Debate, and have been severely reflected upon, as influenced by private Resentment and Party Spleen, for inflicting Fines and Penalties on the Dead, and upon those whom the Law had put to Death only because they were dead, a Cruelty becoming an Inquisition.

I have no Intention to inflame, and aim at nothing, but to convince the most prejudiced, and restore Peace in the City; and hope to satisfy the Publick, that you in nominating, and the Citizens in choosing Dissenters to that Office, have not acted unbecoming yourselves, and deserve not to be charged with religious Resentment, or Oppression of tender Consciences.

It

It was no Secret in the City, that when you as Lord-Mayor nominated the Dissenters, agreeable to the Act of Common - Council, you were thoroughly persuaded, they were not by any Law disqualified from serving the Office; this Opinion you often and publickly declared; and as this was well known, and you as Chief Magistrate was to nominate, equal Justice ought to be the Rule of your Action. I would ask, whether when Churchmen and Dissenters were equally liable in your Thoughts, you could with common Decency or Justice lay all the Burthen on the Churchmen, and excuse the Dissenters? Would not the Reflection of Want of Candour been strongly urged against you? and would it not have been presumed by every body, that this Partiality arose from a mean Party



View, to ingratiate yourself with the Dissenters? You might perhaps have endeavoured to screen yourself, by pleading the Example and Notion of your Predecessors, who were doubtful on the Point; but that would rather have aggravated than excused your Fault, by Reason of your repeated Declarations, and therefore I cannot see how you could answer a different Behaviour to yourself and the Publick,

In this Dispute, the Churchman on the one hand is displeased that he must bear a burthensome Office; and the Dissenter pleads Non-conformity to the established Religion for his Excuse, when at the same time he daily sees, if the Office be changed from Burthen to Profit, occasional Conformity to many in all Parts of the Kingdom is no Objection.

The

The Dissenter on the other hand pleads Conscience to the Receipt of the Sacrament, to qualify him for the Office, and the Law (to wit, the Statute of the 13 *Car.* II, for regulating Corporations) for his Excuse ; and insists that an Election of a Person for Sheriff, not having received the Sacrament within a Year before such Election, is totally void and the same as if he were naturally dead, and thinks himself hardly treated by being elected into an Office he cannot take.

In all Governments natural Justice generally (that is, without a particular Exemption) requires, that each Man in his Turn should bear his Burthen, and perform his Duty in that Society whereof he is a Member ; for as Offices are established for the Benefit of the Community, and each Person receives

receives an Advantage, every one ought alike to serve.

The Right of electing Sheriffs in the City is a great and valuable Franchise, a royal Power, and the Advantage to the City so apparent, as needs no Explanation.

It is an honourable Office, and whoever hath enjoyed that Honour, can testify it is hazardous and expensive.

As this Office is absolutely necessary to be exercised for preserving the City's Franchise, the peculiar Interest of the Citizens, the Administration of Justice, and securing the Publick Peace and Tranquility of the Capital; and as the Freemen of the City are equally entitled, and do enjoy many great and valuable Privileges; it is incumbent on them to support this Franchise: And therefore it will be  
neces-



sary to inquire how far by Law and in Conscience the Dissenters are excused from this Office, and whether they labour under greater Inconveniences on Account of this Office, than they themselves and others are subjected to in Cases of other Incapacities.

It must be acknowledged, that if the Act of the 13 *Car.* II, had not been made, the Churchman and Dissenter had been equally liable to be elected into the Office, because no Parliamentary Qualification was necessary. The Dissenter then must rest his Case on this Point, whether the Election of a Dissenter, not having received the Sacrament within a Year before such Election, be, *ipso facto*, void to all Intents and Purposes, as if naturally dead.

This

This being the Excuse contended for, it may perhaps be expected I should argue the Point upon this Statute; but as a legal Argument should be before legal Judges, and my Judges are not Lawyers, but Men of clear, strong, and common Sense, abstracted from the Niceties of Law, I shall endeavour to convince them with plain Reason.

In order to make the Matter short, I will for Argument sake admit, that the Sheriffs are particularly mentioned and specified among other Corporation Officers in that Act of King *Charles*; that, by the Construction the City have themselves put upon this Act ever since the making the same, all Sheriffs have conformed thereto, by taking the Oaths therein specified; and that the Judgments in *Westminster-Hall* have been unanimously conformable

able thereto; and I will further admit, that the Dissenters were all dead within the Act at the Time of their Election: And having now admitted as much as any Adversary can expect or desire, I will take the Liberty of raising them from the Dead, and make them eligible into the Office, by the same Power which first annihilated them.

By an Act of Parliament made the fifth Year of his late Majesty, Ch. 6, entitled, *An Act for quieting and establishing Corporations.*

The Act recites the Stat. 13 Car. II, for well governing and regulating Corporations; and that no Person or Persons shall be placed, elected or chosen in, or to, any of the Offices or Places relating to, or concerning the Government of any City, Corporation, Borough, Cinque Port, and  
C their



their Members, or other Port Towns, or any other Offices in the said recited Act mentioned, that shall not have, within one Year before such Election or Choice, taken the Sacrament of the Lord's Supper according to the Rites of the Church of *England*; and in Default thereof, every such Placing, Election, and Choice should be void.

It was then enacted, that all and every the now Member and Members of any Corporation within the Kingdom, and all and every Person and Persons now actually in Possession of any Office, that were required by the said above-recited Act to take the Sacrament of the Lord's Supper, according to the Rites of the Church of *England*, within one Year next before his Election or Choice into such Office, shall be, and are hereby confirmed in their several and respec-

respective Offices and Places, notwithstanding their Omission to take the Sacrament of the Lord's Supper as aforesaid, and shall be indemnified, freed and discharged of, and from all Incapacities, Disabilities, Forfeitures, and Penalties arising from such Omission; and that none of their Acts, nor the Acts not yet avoided of any who have been Members of any Corporation, or in actual Possession of such Offices, shall be questioned or avoided, for, or by reason of such Omission; but that all such Acts shall be, and are hereby declared and enacted to be as good and effectual, as if all and every such Person and Persons had taken the Sacrament of the Lord's Supper in manner as aforesaid. Nor shall any Person or Persons, who shall be hereafter placed, elected, or chosen

in, or to any of the Offices aforesaid, be removed by the Corporation, or otherwise prosecuted for, or by reason of such Omission; nor shall any Incapacity, Disability, Forfeiture, or Penalty be incurred by reason of the same; unless such Person be so removed, or such Prosecution be commenced within six Months after such Person's being placed or elected into his respective Office as aforesaid; and that in Case of a Prosecution, the same be carried on without Delay.

The Words and Meaning of this Act are so obvious, that they will scarce bear a Comment; the first Part of the Clause relates to Persons then in Corporation Offices, who had not qualified by receiving the Sacrament before their Election; and not only confirms them in their Offices, and excuses them from all Penalties, but



but also validates all their Acts. The latter Part of the Clause hath Reference to future Officers; and though they should be elected and placed in Offices, not having received the Sacrament within a Year before their Election, yet it makes that Election good, and they are to remain in that Office, and cannot be removed from thence by the Corporation, unless within six Months subsequent to that Election; nor can they be subject after six Months to any Penalties whatsoever for their taking the said Office; so that the Sacramental Qualification is by this Act dispensed with *quoad* the Election, and may be totally dispensed with by the Corporation *quoad* the Removal.

Having now raised these Gentlemen from the Dead, and shewn them capable of enjoying an honourable Post  
among

among their Fellow-Citizens; I hope, I may venture to foretel, that whenever they shall be elected into, and take upon them the Office of Sheriffs, they will not be removed by the Corporation for want of their Sacramental Qualification.

The next Thing to be considered is, how far they are excusable in Conscience, and whether they labour under greater Inconveniences on Account of this Office, than they themselves and others are subjected to in Cases of other Incapacities.

The Churchman and Dissenter, in regard to this Office, are in the same Situation in every Respect, except to the Scruple of Conscience.

It is almost impossible to conceive how far, and in what a Man may, or not act according to his Conscience. I would not judge uncharitably, but  
Experi-

Experience hath taught me, that among the Generality of Mankind, Conscience is more or less rigid according to its Object. It will often stretch for Profit, and shut extremely close when any Thing offers against its Interest.

I hope the Receipt of the Sacrament in the Church be not deemed a Sin in their Religion; because I know many worthy honest Men of that Persuasion have often complied with that Act of Devotion.

The becoming a Freeman of the City is a voluntary, not a compulsory Act; it is entered into for Advantage; and the Person admitted obliges himself to maintain the Franchises and Customs thereof, to contribute to all manner of Charges within the City, bearing his Part as a Freeman ought to do.

At



At the Time of his Admittance he knows of the Office, the Act of Common-Council for regulating it, and his Duty to accept it. He acquires a large Estate by the Privileges of a Freeman, but conscientiously refuses to maintain this Franchise.

As a truly conscientious Man he refuses the Sacrament, as wanting Conscience he refuses his Duty. Is he not as much obliged in Point of Religion, to perform this Duty, as he is by the same Religion to abstain from the Sacrament? What should render the Scruple the less, is, the daily Conformity of those of the same Persuasion; but the material Difference is this, that in one Case the not qualifying saves the Conscience and Money, and the other performs the Duty at Trouble and Expence. If the Religion and  
Duty

Duty be incompatible, no Hazard need be run, for the Dissenter hath the Happiness of an Election, and the Payment of the Penalty on the Act of Common-Council will discharge his Duty and preserve his Conscience.

As no Person is obliged to take this Office unless he hath an Estate of 15,000<sup>l</sup>. Value, the Commutation by Fine for it cannot in any Respect be equal to the Hardship that annually happens in every Company and Ward in the City. Every little Tradesman or Mechanick who sets up with a bare Stock, and perhaps most of that borrowed, is forced to fine for the Company's, Ward, and Parish-Offices, or personally serve the same, at an Expence too great for his small Fortune. What Difference is there between a conscientious and

D

a na-

a natural or accidental Incapacity? If a Person of any Religion in the City be elected into an Office, though never so infirm or incapable of executing it, no Regard is had to that Disability; if he be able he commutes by Fine for his Service; and this is daily done without Clamour of Hardship or Injustice, for it is Neighbours Fare: A Quaker's Conscience will not permit him to fight, but thinks it proper to comply with his Duty in paying.

Is there then a greater Hardship on the Dissenters than others? The Disability of the Infirm is apparent, certain, and universally known; but the Disability arising from the Scruple of Conscience (if the Party hath not been tried with the Offer of a Place) may be, and often is only a Pretence.

Infirm



Infirm Churchmen who have already fined for this Office, have certainly as much reason to complain of Hardship as the Dissenter; and therefore the choosing them into Offices can never be attributed to Religious or Party Resentment.

The Churchman and Dissenter equally profiting by the Freedom, ought to share the Burthen; and as they are both able to perform in Purse the Duty of the Person, by opening their Purse-Strings, they may safely close their Consciences.

If what hath been said be sufficient to prove the legal Qualification of the Dissenters for this Office, I doubt not, as their Opposition is founded on a mistaken Notion, they will readily submit to their own By-Laws, and put an End to the expensive and troublesome Law-Suits.

I shall

I shall only add this further, that  
your steady Maintenance of this  
Right, will not only redound to  
your own Honour, and the Benefit  
of the City, but will always afford  
you a pleasing Reflection,

*I am*

*S I R.*

*Your Humble Servant,*

**CIVIS.**

*F I N I S.*